United States District Court

For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 VICTORIA ROGER-VASSELIN, et al.,

11   NO. C04-4027 TEH

                      Plaintiffs,
12   ORDER DENYING
                                                               DEFENDANT MARRIOTT
         v.   INTERNATIONAL, INC.'S
13   MOTION FOR SUMMARY
   MARRIOTT INTERNATIONAL,   JUDGMENT
14 INC., et al.,

15   Defendants.

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17   This matter comes before the Court on Defendant Marriott International, Inc.'s motion

18 for summary judgment. After carefully considering the parties' briefs and supporting papers,

19 the Court finds this motion suitable for decision without oral argument.

20   Plaintiffs' evidence that they were employed by Marriott International is sufficient to

21 raise a triable issue of fact. For example, Plaintiffs submitted copies of Marriott International

22 employment applications and offer letters stating that Plaintiffs accepted the "offer to be

23 employed by Marriott International, Inc." *See, e.g.,* Exs. A, C, and G to Roger-Vasselin

24 Decl.; Exs. B and I to Arrick Decl; Ex. B to Kittner Decl. Defendants presented evidence

25 that these were routine form applications and that the offer letters contained boilerplate

26 language that only inadvertently included references to Marriott International. The Court

27 cannot, however, weigh evidence or resolve factual disputes at this stage of proceedings.

28 Viewed in a light most favorable to plaintiffs, the evidence presented does not preclude a

finding that Marriott International, Inc. employed Plaintiffs. Accordingly, the Court hereby

DENIES Marriott International, Inc.'s motion for summary judgment.[1]

IT IS SO ORDERED.

Dated: 05/12/06

THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

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[1]Because the Court finds that whether Marriott International, Inc. was Plaintiffs' employer is a triable issue of fact, the Court need not reach Defendant's argument regarding whether Marriott International may be held liable as part of an integrated enterprise; Plaintiffs need not rely on the latter theory to survive summary judgment.

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